

SENATE—Tuesday, May 18, 1999

(Legislative day of Friday, May 14, 1999)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Lord of our lives and Sovereign of our beloved Nation, we humbly confess our need for Your supernatural power. Thank You that You do not tailor our opportunities to our abilities, but rather give us wisdom, strength, and vision to match life's challenges. We surrender the pride of thinking that we can make it on our own resources. We are totally dependent on You. We could not think a thought, give dynamic leadership, or speak persuasively without Your constant and consistent blessing. You are the Source of all we have and are. We praise You for the talents, education, and experience You have given us, but we know that You alone can provide the insight, innovation, and inspiration we need so urgently to meet the problems we face. You have told us there is no limit to what You will do to empower leaders who trust You completely and give You the glory. We commit this day to glorify You in all that we say and do. In Your all-powerful name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator MCCAIN, is recognized.

SCHEDULE

Mr. MCCAIN. Mr. President, this morning the Senate will resume debate on the motion to proceed to the Y2K legislation. At 9:45 this morning the Senate will proceed to a rollcall vote on invoking cloture on the motion to proceed to that bill. If cloture is invoked, debate will continue on the motion to proceed. If cloture is not invoked, the Senate will begin a period of morning business for 1 hour under the control of Senator HELMS to commemorate the life of Admiral Bud Nance.

Attempts to come to a reasonable time agreement to finish the juvenile justice bill will be made during today's session of the Senate. However, until such an agreement is made, the Senate will resume debate on the motion to proceed to the Y2K bill. As a reminder,

the Senate will recess for the weekly party caucus luncheons from 12:30 to 2:15.

I thank my colleagues for their attention.

Y2K ACT—MOTION TO PROCEED

The PRESIDENT pro tempore. The clerk will report.

The legislative assistant read as follows:

Motion to proceed to the consideration of S. 96, a bill to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of the year's date.

The Senate resumed consideration of the motion.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Arizona is recognized.

Mr. MCCAIN. I thank the Chair.

In about 10 minutes, we are going to have another vote on cloture so that we can proceed to the very important Y2K liability bill, S. 96. The word is out that the Democrats will now again refuse to move forward with passage of this legislation. Last time, the excuse was, as I understand it from the Democrat leader's remarks, that they were not allowed to propose amendments to the pending legislation so this was some form of protest. Now I am told the excuse will be—and we will find out—because the juvenile justice bill has not been completed.

The entertaining aspect of that rationale is that while complaining about not being able to move forward on the juvenile justice bill, they still won't agree to amendments and time agreements so we could dispose of the juvenile justice bill.

What this is really all about is that there is a strong aversion on the part of the American Trial Lawyers Association to this legislation. That aversion is manifesting itself by preventing us from moving forward with this very important legislation.

Small, medium, and large businesses in America, high-tech firms all over America, have written or contacted us as to the importance of this legislation. I recently received a letter signed by some 130 high-tech companies in America. I would like to read it.

This is from the Year 2000 Coalition. Actually, this letter was addressed to Senator KERRY, not to me. It says:

The Year 2000 Coalition, a broad-based multi-industry business group, is committed to working with the Senate to enact meaningful Y2K liability legislation. We fully support S. 96 sponsored by Senator McCain, with

amendments and revisions agreed to by Senators Wyden, Dodd, Hatch, Feinstein and Bennett, as the most reasonable approach to curtail unwarranted and frivolous litigation that might occur as a result of the century date change.

While we appreciate any effort that further demonstrates the bipartisan recognition of the need for legislation, the Coalition does not support the Y2K bill that is being circulated in your name and believes it detracts from the sponsors of S. 96 effort to build support for their bill. We urge you to support S. 96 that is now pending before the Senate. Your vote in favor of cloture is important to bring the bill to the floor and allow the Senate to address the challenge of Y2K confronting all Americans. A vote in favor of S. 96 is a vote in favor of Y2K remediation instead of litigation.

A very impressive list of, I believe, 130 companies and corporations around America, a pretty impressive group of corporations that, I would say, represents a substantial portion of America's economy, that is concerned about this issue and wants us to move forward.

I had honestly believed that after the demonstration of solidarity last week on this issue on the part of my friends and colleagues on the other side of the aisle—I took the Democrat leader at his word. He said we will move forward; we will have a bill; we want to work together on this.

Apparently, that is not going to be the case this morning. If it is not the case, then, obviously, I will do whatever the majority leader dictates as to what the Senate calendar will be.

Mr. LOTT. Mr. President, will the Senator yield briefly? I don't know the time situation.

Mr. MCCAIN. Mr. President, I yield the floor.

Mr. LOTT. Mr. President, how much time do we have?

The PRESIDING OFFICER. The Senator has 45 seconds remaining.

Mr. LOTT. Mr. President, I yield myself some of the leader time if necessary. I thank Senator MCCAIN for his continuing effort on this important legislation.

I wonder how many people or how many Senators think the solution to the year 2000 computer problem is litigation, lawsuits. I don't believe most Senators believe that is the answer. I know the American people don't believe that is the answer. What they want is a solution. They want us to do everything we can to help small business men and women and the computer industry, everybody, address the problem. If we don't get it done by the year 2000, they certainly don't want lawsuits to be the solution.

That is what is at stake. I have acted in good faith. I know Senator MCCAIN